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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,570	02/01/2002	John Keightley	024931-147	9660
7590	08/03/2004			
Robert E. Krebs Thelen Reid & Priest LLP P O Box 640640 San Jose, CA 95164-0640				
			EXAMINER STAFIRA, MICHAEL PATRICK	
			ART UNIT 2877	PAPER NUMBER

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO. <i>an</i>
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EXAMINER
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ART UNIT	PAPER
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20040615

DATE MAILED:

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Commissioner for Patents

The supplemental Non-Final office action has been resent to applicant to add examiner paragraph for the approval of Petition for the Correction of Inventorship. Statutory period does not need to be reset because the rejection of the claims has not changed for the previous mailing of the Non-final rejection.

Michael P. Stafira  
Primary Examiner  
Art Unit: 2877

## **DETAILED ACTION**

### ***Correction of Inventorship***

1. In view of the papers filed June 22, 2004, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by adding inventors Eric Rechner and Adriano Cunha.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of the file jacket and PTO PALM data to reflect the inventorship as corrected.

### ***Election/Restrictions***

1. Claims 11-12 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group II, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 12, 2004.

### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Canada on February 2, 2001. It is noted, however, that applicant has not filed a certified copy of the Canadian application as required by 35 U.S.C. 119(b).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

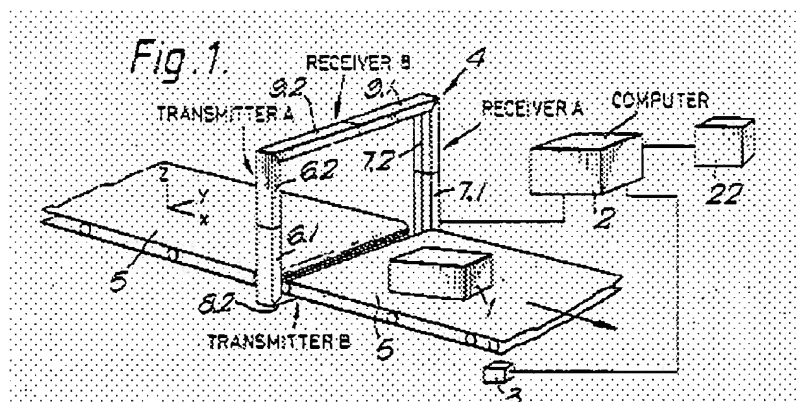
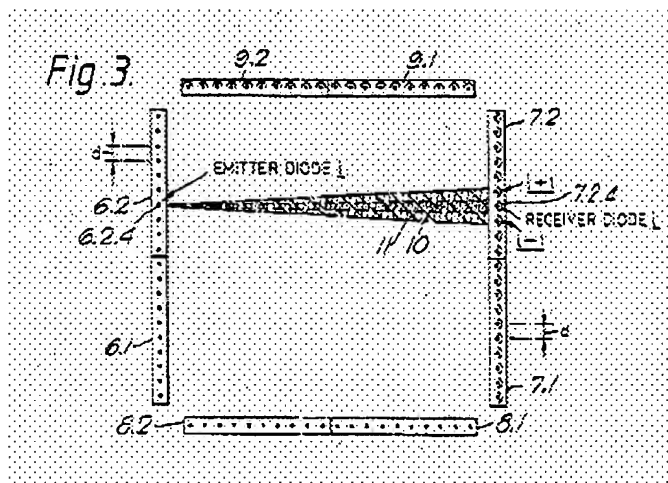
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Claesson et al. ('029).

**Claim 1**

Claesson et al. ('029) discloses a light source unit comprised of an emitter module that emits a laser sheet (Fig. 3, Ref. 6.2); a detector array comprised of a detector module (Fig. 3, Ref. 7.2), wherein said emitter module and said detector module are aligned (See Fig. 3); and a data processing unit (Fig. 1, Ref. 2); such that an object passing between said light source unit and said detector array (See Fig. 1, Ref. 1) can be measured to an accuracy of at least 4/100ths of an inch (Col. 15, lines 3-5) which is in the range disclosed by Claesson et al. ('029) being +-5 mm.

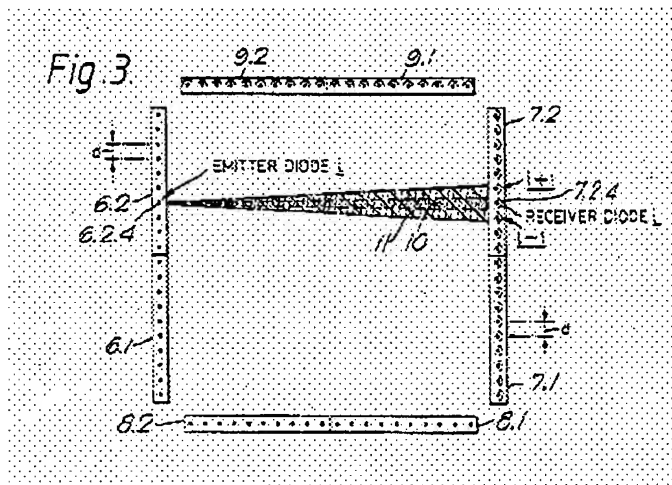
Claesson et al. ('029) discloses the claimed invention except for disclosing the accuracy can be at 4/100ths of an inch. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine Claesson et al. ('029) with accuracy since it was well known in the art that having an accuracy of 4/100ths gives the apparatus a suitable detail that is not expensive, therefore lowering the cost of the apparatus.

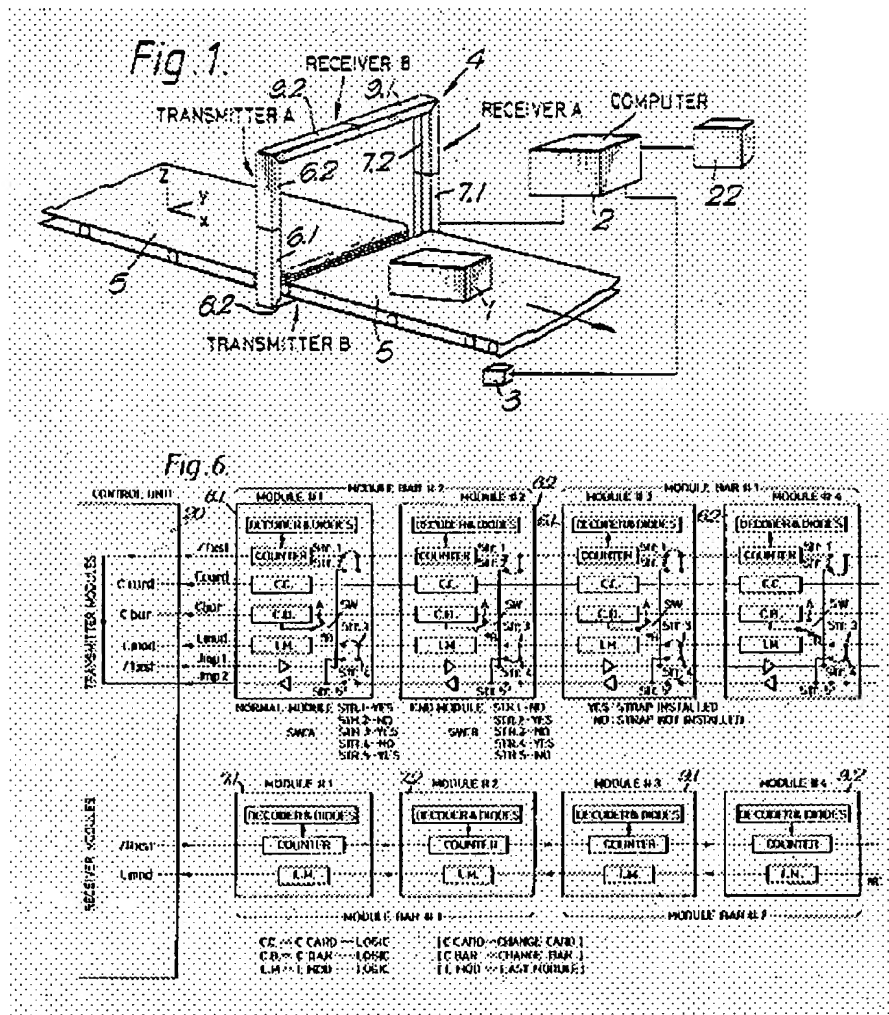
**Claim 5**

Claesson et al. ('029) discloses a light source unit (Fig. 3, Ref. 6.2) comprised of a plurality of emitter modules (Fig. 3, Ref. 6.2.4) that combine to emit a laser sheet (See Fig. 3); a detector array (Fig. 3, Ref. 7.2) comprised of a plurality of detector modules (Fig. 3, Ref. 7.2.4) wherein each of said plurality of emitter modules and each of said plurality of detector modules are aligned (See Fig. 3); and one or more data processing units (See Fig. 6, Ref. 7.1, 7.2, Etc.); such that an object (Fig. 1, Ref. 1) passing between said light source unit and said detector array can be measured to an accuracy of at least 4/100ths of an inch (Col. 15, lines 3-5).

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Claesson et al. ('029) discloses the claimed invention except for disclosing the accuracy can be at 4/100ths of an inch. It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine Claesson et al. ('029) with accuracy since it was well known in the art that having an accuracy of 4/100ths gives the apparatus a suitable detail that is not expensive, therefore lowering the cost of the apparatus.

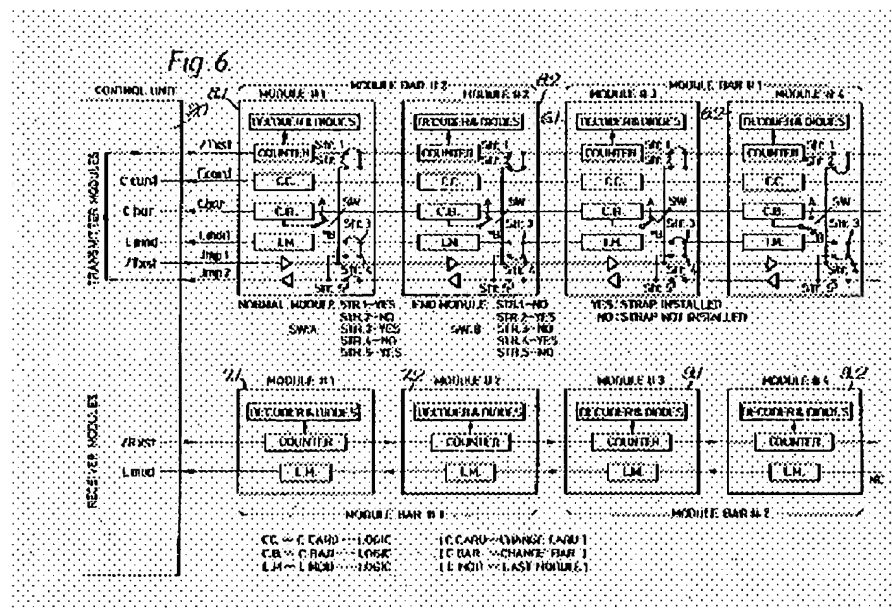




## Claim 9

Claesson et al. ('029) further discloses the number of data processing units (Fig. 6, Ref. 7.1, 7.2, etc...) is equal to a fraction of the number of said detector modules such that each data processing unit provides data processing for a number of detector modules located adjacent to one another (See Fig. 6).

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### Allowable Subject Matter

5. Claims 2-4,6-8,10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Stafira whose telephone number is 571-272-2430. The examiner can normally be reached on 4/10 Schedule Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Michael P. Stafira  
Primary Examiner  
Art Unit 2877

~~July 26~~  
~~June 15~~, 2004